

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

Specifically, Claim 15 recites a fragrance or mixture of fragrances with a greenery character, a citrus character, a lavender character, a flowery character, an aldehyde character, a cypress character, a Fougére character, a spice character, an oriental character, a wood character, a tobacco character and/or a leather character, which burns without leaving a residue when fuel gas is used in the intended manner, in an amount sufficient to substantially mask the inherent odor of the combustible gases.

No such fuel gas for tools is discloses or suggested in the prior art. Firstly, the present invention relates to al fuel gas for power tools operated by internal combustion, and for that reason alone, it distinguishes over the known prior art. None of the prior art discloses or suggests a fuel gas for combustion-engined power tools with a fragrance.

Considering the prior art, none discloses the specific fuel gas with a fragrance. It is further noted that the prior art, which disclose a fuel gas with a

fragrance, discloses primarily natural gases and/or fuel gases for internal combustion engines of motor vehicles.

It is a long held view that the preamble is given the effect of a limitation, is deemed essential to point out the invention defined by a claim, and is "considered necessary to give life, meaning and vitality to the claims" when "there inhered in the article specified in the preamble a problem, when transcended that before prior artisan..." Kropa v. Robie and Maheman, 88 U.S.P.Q. 478, 481 (CCPA 1951). The same court further stated "The nature of the problem characterized the elements comprising the article, and recited in the body of the claim.... So as to distinguish the claim over the prior art."

The object of the present invention is a fuel gas for tools which can be identified as an indication of a producer. None of the prior art contributes to solving of this problem, *i.e.*, providing a fuel gas for power tools that can be identified by its manufacturer.

Further, it is noted that the inventive fuel gas burns, without leaving any residue, which is also not disclosed in the prior art.

Finally, the prior does not disclose specific fragrances set forth in Claim 15. It is noted that the fuel gas according to the present invention is designed for tools

to be used primarily in the closed spaces and, therefore, the fragrances should have a pleasant odor and not be harmful to the tool user.

In view of the above, it is respectfully submitted that the Claim 15 patentably defines over the prior art and is, therefore, allowable.

Claims 16-20 depend on Claim 15 and are allowable for the same reasons Claim 15 is allowable and further because of specific features recited therein which, when taken along and/or in combination with features of Claim 15, are not disclosed or suggested in the prior art.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects, in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's amendment and the case passed to issue. Alternatively, should the Examiner feel

that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully Submitted,

Alexander Zinchuk

Alexander Zinchuk
Reg. No. 30,541

Dated: September 4, 2003
Sidley Austin Brown & Wood LLP
787 Seventh Avenue
New York, N.Y. 10019
Tel.: (212) 839-7365

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail and addressed to: Commissioner for Patents, Washington, DC 20231 on September 4, 2003.

Alexander Zinchuk